

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

---

<b>ERICA DELGADO,</b>	:	
	:	
<b>Plaintiff,</b>	:	Civ. No. 2:14-01757 (KM) (MCA)
	:	
<b>v.</b>	:	
	:	
<b>EDISON TOWNSHIP BOARD OF EDUCATION; DOUGLAS M. SYLVESTRO, ESQ.,</b>	:	<b>ORDER</b>
	:	
<b>Defendants.</b>	:	
	:	
	:	

---

**KEVIN MCNULTY, U.S.D.J.:**

This matter comes before the court on the Report and Recommendation (ECF No. 8) of Hon. Madeline C. Arleo, United States Magistrate Judge. That report concerns the plaintiff's motion to remand this matter to state court (ECF No. 2). Plaintiffs had removed to federal court, arguing that the complaint stated a claim under federal law. See ECF No. 1. The sole mention of federal law was a reference to an Individualized Education Program, a plan that school systems create for some students under a federal statute, the Individuals with Disabilities in Education Act, 20 U.S.C § 401 *et seq.* Judge Arleo recommends that Plaintiff's Motion to remand be granted.

I have reviewed the Report and Recommendation and the parties' submissions to the Magistrate Judge pursuant to Fed. R. Civ. P. 72 and L. Civ. R. 72.1(c). No objection has been made. As a practical matter, however, because the decision is directed to the face of the Complaint, my review has been plenary. This matter is decided on the papers without oral argument, pursuant to Fed. R. Civ. P. 78.

**IT APPEARING** that Judge Arleo's Report and Recommendation was issued after review of Plaintiff's motion and all related filings; and it further

**APPEARING** that Judge Arleo's Report and Recommendation to grant the motion to remand was based on a holding that Plaintiff's complaint did not invoke federal law; and it further

**APPEARING** that Judge Arleo correctly determined that the complaint referred to an Individualized Education Program only as part of its explanation of the factual background of the case, not as an attempt to state a cause of action under federal law, and it further

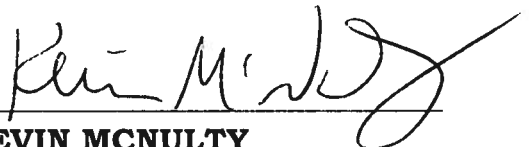
**APPEARING** that Plaintiff herself, by moving to remand, seems to have disclaimed any intent to assert a federal cause of action; and it further

**APPEARING** that no party filed an objection to the Report and Recommendation by the stated deadline of October 2, 2014; and it further

**APPEARING** there is no alternative basis for jurisdiction in this Court;

**IT IS**, this 5th day of November, 2014,

**ORDERED** that the Report and Recommendation is adopted and Plaintiffs' motion to remand the action to State Court is **GRANTED**.

  
**KEVIN MCNULTY**  
**United States District Judge**